

# THE HARMAN FIRM, LLP

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April 29, 2016

**VIA ECF**

The Hon. Ronald L. Ellis  
United States Magistrate Judge  
U.S. District Court for the Southern District of New York  
40 Foley Square, Room 2203  
New York, NY 10007

***Re: Jeanette Fernandez v. Mizu For Hair New York, LLC, d/b/a Mizu For Hair,  
and Mizu For Hair LLC, d/b/a Mizu For Hair, 15 CV 00523 (RA)(RLE)***

Dear Judge Ellis:

We represent Plaintiff Jeanette Fernandez in the above-referenced employment matter. We write on behalf of the Parties to respectfully inform the Court of the Parties' progress regarding discovery issues.

**Outstanding Discovery Disputes.** On April 22, 2016, the Parties completed their briefing on the issues below:

1. Plaintiff's motion for sanctions;
2. Subpoenas for documents and testimony from Antonio Berducci and Curls For Fun; and
3. Defendants' First Notice of Discovery and Inspection to inspect Jeanette Fernandez's electronic devices.

Issue No. 1 was briefed by the Parties as a letter-motion from Plaintiff to Judge Abrams, dated April 15, 2016, for a telephone conference in anticipation of Plaintiff's motion for sanctions. On that date, Judge Abrams referred the letter-motion to Your Honor, and on April 22, 2016, Defendants' filed their response.

Issue Nos. 2 and 3 were briefed in the Revised Joint Letter on Open Discovery Disputes filed by the Parties on April 22, 2016.

**Deposition and Documents generated by Barbara Berry.** On April 28, 2016, Defendants took the deposition of Ms. Berry, which Defendants kept open pending their receipt and review of additional documents from Ms. Berry.

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**SUNY Downstate medical records.** Defendants have received medical records from SUNY Downstate and are presently preparing them to produce to Plaintiff. Defendants' anticipate producing the medical records next week.

**Continuation of Plaintiff's Deposition.** Defendants seek to resume Plaintiff's deposition following receipt and review of Ms. Berry's documents and the completion of Ms. Berry's deposition. Defendants hope to resume Plaintiff's deposition within the next two (2) weeks on a mutually agreeable date.

Plaintiff understands that Defendants are limited to questioning Plaintiff about Ms. Berry's testimony, documents produced by Ms. Berry, and documents produced pursuant to an authorization for medical records from SUNY Downstate. Plaintiff reserves her right to request a protective order in accordance with the foregoing.

**Expert discovery.** Both Parties reserve their right to expert discovery.

**Post-discovery conference.** The Parties have a post-discovery conference scheduled before Judge Abrams June 10, 2016 at 10:00 a.m.

Thank you for your time and attention to this matter.

Respectfully submitted,



Walker G. Harman, Jr.

cc: Susan Roberts (via ECF)  
Lori A. Jablczynski (via ECF)  
Wendy Mellk (via ECF)